

## IN THE DISTRICT COURT OF THE UNITED STATES

FOR THE DISTRICT OF SOUTH CAROLINA

CHARLESTON DIVISION

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LEE ROY SMITH

Plaintiff,

v.

DOUGLAS E. HOLFORD, M.D.,

Defendant.

Case No.: 8:02-2627-18AJ

ORDER TO QUASH PLAINTIFF'S  
ATTEMPT TO TAKE DEPOSITIONS  
UPON WRITTEN QUESTIONS

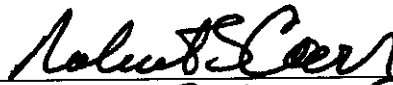
This matter is before me upon of the Defendant, Douglas E. Holford, M.D., Motion to Quash the Plaintiff's attempt to take depositions upon written questions. It appears that the Plaintiff has failed to comply with FRCP, Rule 31, in his attempt to take the depositions of Drs. Ty Carter, Robert Mills, Adel Helmy, and Thomas Goldstein.

FRCP, Rule 31(a)(3), requires that in a notice of the taking of depositions by written questions, the person intended to take the depositions must provide the name of the officer or officers before whom the depositions will be taken. The Plaintiff has failed to do this.

In addition, the Plaintiff has apparently mailed his written questions directly to Dr. Ty Carter. FRCP, Rule 31(b), requires the questions be sent to the officer before whom the deposition will be taken rather than to the deponent.

For the reasons set forth above, the Plaintiff has failed to comply with the provisions of FRCP, Rule 31, and the Defendant's Motion to Quash is granted.

IT IS SO ORDERED, this the 13<sup>th</sup> day of March, 2006.

  
~~David C. Norton~~ Robert S. Carr  
 Judge, United States District Court for the  
 District of South Carolina